

S.B.Cr.Misc. Second Bail Application No.5382/2006

(Smt. Kesar Bai & Anr. Vs. State of Rajasthan)

Date of order : December 01, 2006

HON'BLE MR.H.R.PANWAR,J.

Mr.Ramesh Purohit, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioners and the Public Prosecutor for the State.

This is second bail application. The first bail application came to be dismissed on 27.10.2006 as it was not pressed by the counsel appearing for the petitioners. However, the learned counsel for the petitioners submits that now the police has filed the challan.

I have perused the order impugned and the challan papers.

It is contended by the learned counsel for the petitioners that the occurrence as alleged by the complainant is of 4th August, 2006. The injured was taken to the hospital by her husband and his other family members; she was treated in Govt.

Hospital at Pratapgarh and thereafter, the parents of the deceased also came on the very day of the occurrence and she was treated in their presence at Govt. Hospital, Pratapgarh. However, the parents of the deceased at their own, took her to the hospital at Neemach, Madhya Pradesh where she remained under treatment up to 9.10.2006 and on 9.10.2006 after more than two months of the alleged occurrence, she died. A report was lodged by the parents of the deceased for the offence under section 498-A I.P.C. It is further contended by the learned counsel for the petitioners that had there been any untoward incident to the deceased as alleged by the complainant, who is father of the deceased, there is no reason for not reporting the matter on the very day while the deceased was in hospital and thereafter also for more than two months, the deceased remained under treatment but no report was lodged, it is only because of negligency of her parents, who against the medical advice, took her from Govt. Hospital, Pratapgarh to the Hospital at Neemach, M.P.

Having regard to the facts and circumstances of the case, without commenting on the merit of the case, which may prejudice the case of either party and keeping in view the fact that the statement of the deceased was recorded only on 8.10.2006 i.e. after more than two months that too by police

and the fact that petitioners are ladies, they are mother-in-law and sister-in-law of the deceased, I consider it just and proper to enlarge the accused petitioners on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and the petitioners No.Smt. Kesar Bai w/o Ram Lal Yadav and Smt. Deubai alias Devji w/o Bheru Lal be released on bail in FIR No.225/2006, P.S. Arnod provided each of them furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-